



#5/A

PATENT
Customer No. 22,852
Attorney Docket No. 7738.147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Grant E. DUBOIS et al.

Serial No.: 09/838,809

Filed: April 20, 2001

For: NON CALORIC FROZEN
CARBONATED BEVERAGE

)
)
) Group Art Unit: 1761
)
) Examiner: unassigned
)
)
)
)
)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RECEIVED

OCT 2 2001

TC 1700

PRELIMINARY AMENDMENT

Prior to the examination on the merits of the above application, please amend
this application, without prejudice, as follows:

IN THE CLAIMS:

A¹

2. (Amended) The beverage according to claim 1, wherein the freezing point
depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt,
maltitol, lactitol, or fructo-oligosacchride.

10/24/2001 DFLOYD

01 FC:103

A²

4. (Amended) The beverage according to claim 1, wherein the beverage
syrup contains a high-potency non-caloric sweetener selected from at least one of
aspartame, saccharin, acesulfame-K, cyclamate, or sucralose.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

10/24/2001 TELETYPE

01 FC:103
01 FC:103
01 FC:103

00000001 010050 09038809

00000001 010050 09038809